IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 19030 of 2006

Dated 15th November, 2006

Between
J.V.Swamy S/o Galaiah

… Petitioner

And

The Depot Manager, APSRTC,
Wanaparthy Bus Depot,
Mahabubnagar District, A.P.

… Respondent.

ORDER:

In this writ petition, the petitioner questioned the order dated 26.2.1997 passed in disciplinary proceedings, by which, punishment of withholding of increment of the petitioner for a period of one year, which shall have effect on future increments, was imposed.

The impugned order is assailed, mainly, on the ground that the withholding of increment for one year with effect on future increments amounts to a major penalty, which could not have been imposed without conducting regular enquiry, and, therefore, the impugned order is contrary to law. In support of his submission, learned counsel relied upon a decision of a learned Single Judge of this court dated 8th September, 2005 rendered in W.P.No.19218 of 2005 and batch, holding that the stoppage of increments with cumulative effect without conducting any departmental enquiry is

illegal, and, modifying the impugned orders to that of inflicting such punishment without cumulative effect, but, not entitling the petitioners for any monetary benefit in the form of payment of arrears on that account, and, the decision of a Division Bench of this Court confirming the same in **Depot Manager, APSRTC v. K.Adi Reddy**[1], wherein it was held that withholding of increments with cumulative effect would squarely be a major penalty and it would attract the regular procedure under the regulations for an enquiry after following due notice and opportunity.

Heard counsel for both sides, who agreed that this case is also covered by the said decisions.

Following the said judgments, impugned order to the extent of holding that it shall have effect on future increments of the petitioner, is set aside. However, the punishment of deferment of increment for one year shall remain, but, without effect on future increments of the petitioner. The petitioner shall not be entitled for any arrears of salary on account of modification in punishment.

Subject to above direction, the writ petition is disposed of. No costs.

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15.9.2006

(R.SUBHASH REDDY, J.)

VR

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[1] 2006(4) ALT 566 (D.B.)